

REMARKS/ARGUMENTS

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

All the composition claims have now been converted to method claims. Support for claim 1 is found in original claims 11 and 17 with respect to concentrations and the concept of a method for coloring hair. The particular oxidative dye primary intermediate and oxidative dye coupler are p-aminophenol and 4-amino-o-cresol, respectively focus on the "red shade". Support is found at page 25 (lines 12-13 and 24).

Claims 1-3, 5-6, 8-9 and 12-17 were rejected under 35 U.S.C. § 102(b) as anticipated by Shibata et al. (U.S. Patent 5,958,084). Applicants traverse this rejection.

Shibata et al. does not disclose a method for coloring hair to achieve a red shade. Neither does this reference mention the dye intermediate 4-amino-o-cresol now found in claim 1. Absent a disclosure to these claimed features, Shibata et al. would not anticipate the claims.

Claims 1, 2, 5 and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by Lim et al. (U.S. Patent 6,045,590). Applicants traverse this rejection.

Lim et al. does not disclose a method for coloring hair to achieve a red shade. Although chelating agents are reported (column 10 at lines 30-37), there is no disclosure with respect to any concentrations. Based on the foregoing considerations, Lim et al. would not anticipate the claims.

Claims 1,2 and 5-17 were rejected under 35 U.S.C. § 102(b) as anticipated by Dias et al. (U.S. Patent 6,004,355). Applicants traverse this rejection.

Dias et al. is directed at hair coloring but does not disclose a method for achieving improved red shade through use of p-aminophenol and 4-amino-o-cresol, in combination with non-nitrogenous chelates. For these reasons, Dias et al. would not anticipate the claims.

Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Lim et al. (US Patent 6,045,590) in view of Rollat et al. (US Patent Publication 2002/0147268 A1). Applicants traverse this rejection.

Lim et al. does not disclose a method for hair coloring that improves red shades. Neither is there any disclosure that a combination of p-aminophenol and 4-amino-o-cresol could achieve better color deposition and more even bleaching. Applicants have provided a series of comparative experiments demonstrating the special effect of non-nitrogenous chelating agents with respect to 4-aminophenol and 4-amino-o-cresol combinations. The same degree of color deposition impact was not seen with other shades. For instance, see Table I at page 26. Improved deposition of red color (PAP/PAOC dyes) with the chelator sodium tripolyphosphate (known also as sodium triphosphate) evidenced a 28.8%

enhancement. Other color pairs such as PPD/RS and PPD/PAOC with the same chelator (STPP) achieved only a 13.3 and 18.6% enhancement, respectively.

Rollat et al. is similarly deficient. There is no disclosure of a hair coloring method focused upon enhancing the red shades. Indeed, this reference is concerned with hairstyling. Only a single mention is made to "hair dye compositions". See paragraph [0090]. No dye intermediates are disclosed.

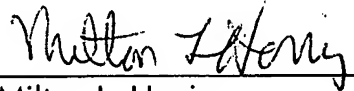
A combination of Lim et al. in view of Rollat et al. would not render the instant invention obvious. Neither disclosure concerns hair coloring to achieve an enhanced red shade. Absent appreciation of the problem, the references would not suggest a solution to that problem.

Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Shibata et al. (US Patent 5,958,084). Applicants traverse this rejection.

Shibata et al. does not disclose a method for coloring hair focused upon the red shades. Although the dye intermediate p-aminophenol is mentioned, there is no disclosure of 4-amino-o-cresol. This reference does not render the claims prima facie obvious. Even if the elements of the claim were considered to be prima facie obvious, applicants' comparative experiments demonstrate the unexpected effect that chelants have upon enhancement of the red shades.

In view of the foregoing amendment and comments, applicants request the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,



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